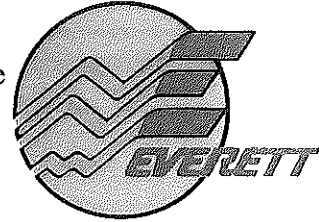


ORDINANCE NO. 3390-14

An Ordinance Establishing a New Fee Schedule for Land Use Applications, Permits, Review Processes, and Related Services for the Department of Planning and Community Development, and Repealing Ordinance No. 1730-90 and 1985-94, as amended



WHEREAS, the City Council finds and concludes the following:

1. The City of Everett last updated its fee schedule for Planning Department land use applications, permits, review processes and related services in 1995.
2. The City has reviewed the land use applications, permits, review processes and related services fee schedules for neighboring jurisdictions in Snohomish County.
3. The land use regulations have become more complex over time, and require increasingly more staff time to review permit applications for consistency with all applicable environmental, land use and design standards.
4. The City has estimated its costs for processing a variety of land use applications, permits, review processes and related services.
5. The City wishes to establish fees that approximate the average costs to process land use applications, permits, review processes and related services.
6. Adjusting fees to approximate these costs will place Everett's fees within the range of similar fees of neighboring cities and Snohomish County.
7. The cost to the City to process land use permits should be supported by fees collected from applicants for land use applications, permits, review processes and related services rather than general fund based tax revenues.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1: ESTABLISHMENT OF FEES – FEE SCHEDULE: The following schedule of fees shall apply for the processing of land use applications, permits, review processes and related services for the Department of Planning and Community Development:

<u>A.Type of Action or Application</u>	<u>Fee</u>
1. Review Process I actions not otherwise listed herein (Except determination of complete or incomplete application which has no fee)	\$500
2. Review Process II actions not otherwise listed herein	\$750
3. Review Process III actions not otherwise listed herein	\$1,500

B.Type of Action or Application**Fee**

1. Additional Public Notification required by error or action caused by applicant	
Mailing	\$150
Publication	\$150
Posting of Property	\$150
2. Appeals of administrative decisions	
Staff or Director code interpretation	\$500
All other appeals	\$1,500
3. Amendment to land use permit or approved site plan	Same as original permit fee
4. Billboard	\$2,000 plus SEPA
5. Boundary Line Adjustment	\$1,000
6. Building / sign permits - review of plans	10% of building permit fee
7. Comprehensive Plan Amendment, text only	Cost recovery
8. Comprehensive Plan Amendment, map	\$5,000 plus rezone fees
9. Comprehensive Design Sign permit	\$1,500
10. Design Review for any zone or geographic area with design standards in the Zoning Code	
<u>Size of project:</u>	
less than 10,000 square feet	\$500
10,000 to 25,000 square feet	\$750
25,000 to 50,000 square feet	\$1,500
50,000 to 100,000 square feet	\$3,000
Greater than 100,000 sq. ft.	\$6,000
Design modification, no notification required	add 25% to above fees
Design modification, public notification required	add 25% plus \$300
11. Floodplain Development permit	\$1,000
12. Lot certification	\$500
13. Nonconforming Building Certification	\$200
14. Pre-Application Meeting	\$500

C.Type of Action or Application**Fee**

1. Rezone	
Up to one acre	\$2,000
Over one acre	\$2,000 plus \$250 per acre
2. SEPA exemption certification	\$500
3. SEPA review – Environmental Checklist	
Less than one acre, 10,000 sq. ft. or 10 lots	\$500
1 to 5 acres, 10,000 – 25,000 sq. ft., 10-25 lots	\$750
5 to 10 acres, 25,000-50,000 sq. ft., 26-50 lots	\$1,000
10 to 20 acres, 50,000-100,000 sq. ft., 51-100 lots	\$1,500
Over 20 acres, over 100,000 sq. ft., over 100 lots	\$2,000
Non-project action	\$500
SEPA Addendum to DNS or MDNS	Same as above
4. SEPA review – Planned Action	
Less than one acre or 10,000 square feet	\$500
One acre or greater; 10,000 square feet or greater	\$1,000
5. SEPA review – Environmental Impact Statement or Addendum to EIS	Cost recovery
6. Shoreline Substantial Development Permit	
Less than one acre	\$2,500
1 to 5 acres	\$5,000
Over 5 acres	\$5,000 plus \$1,000 for every \$1 million project value
7. Shoreline Permit Exemption Letter	\$500
8. Shoreline Permit Revision	\$500
9. Shoreline Conditional Use Permit	\$1,000 plus shoreline permit fee
10. Shoreline Variance	\$1,000 plus shoreline permit fee
11. Special Property Use permit	
Review Process I	\$500
Review Process II	\$750
Review Process III	\$2,500
Review Process V	\$2,500

<u>D. Type of Action or Application</u>	<u>Fee</u>
1. Special studies required for any land use process	\$400
2. Subdivisions, Short Subdivisions, Binding Site Plans	
Preliminary approval	\$5,000 plus \$100 per lot
Final plat approval	\$1,000 plus \$50 per lot
Variance, alteration or vacation	\$1,000
Variance, administrative	\$500
3. Time extension for all land use permits	\$250
4. Unlisted Use Determination	\$500
5. Unspecified Land Use permits not listed herein	To be determined by Director
6. Variance	
Single Family residential zone or use	\$750
All other variances	\$1,500
6. Zoning Certification Letter	\$100
7. Zoning Code text amendment	
Letter requesting initiation	\$500
Fee if Commission or Council agree to consider	\$5,000

Section 2. ANNUAL ADJUSTMENT OF FEE SCHEDULE. Beginning January 1, 2016, and each January 1 thereafter, the Fee Schedule shall be adjusted by the Director of Planning and Community Development in accordance with the most recent change in the Consumer Price Index (CPI) or other official measurement of inflation used by the City, as follows:

- A. If the change in the CPI or other official measurement of inflation used by the City indicates an increase of less than one percent since the last adjustment of the fees listed herein, there shall be no increase for that year.
- B. At such time that the change in the CPI or other official measurement of inflation used by the City for one or more years indicates an increase of one percent or more since the last adjustment of the fees, the fees in Section 1 shall increase by the cumulative percentage increase since the last adjustment of fees.

Section 3: CONCURRENT APPLICATIONS: Concurrent applications requiring fees listed in Section 1 shall be subject to each fee cumulatively. There shall be no reduction in fees where more than one type of fee is charged for a project. For example, a rezone application will also be charged a fee for SEPA review.

Section 4: WAIVER OF FEES FOR LOW INCOME HOUSING: Fees may be waived by the Planning Director for projects involving the construction of low income housing. A covenant shall be recorded on the property that runs with the title to the land committing the owner and all future owners, heirs or assigns to maintaining the same number of low income housing units for a minimum of 30 years from the date of approval, or if converted to housing not for low income households, the applicable permit fees at the time of conversion shall be paid to the City.

Section 5: ADDITIONAL COSTS FOR SEPA REVIEW: For SEPA reviews which require additional staff needs, unusual or expedited review, or special technical expertise by the City as determined by the Director of Planning and Community Development, the applicant will pay in addition to the fees in Section 1, all additional costs associated with the processing of a SEPA review which exceed those normally associated with the processing of a SEPA review which costs included, but are not limited to, additional staff time, materials, and consultants' fees.

Section 6: COST RECOVERY OPTION: Where the fee listed in Section 1 is "Cost recovery," the City will charge the applicant for all costs incurred to process the application or action. For land use applications or actions with a fee greater than \$1,000, an applicant may request, and the City shall have the discretion to agree, that a cost recovery method be used as an alternative to the fee stated herein. If the City agrees to use the cost recovery method, the applicant will be responsible for all costs associated with the application or action, including administrative costs of tracking the City's expenses. The Director of Planning and Community Development is authorized to establish procedures for administering the cost recovery option.

Section 7: ENHANCED FEES: Fees listed in Section 1 shall be doubled for failure to apply for and obtain the permits listed in Section 1 prior to commencing construction or any land use development activity for which fees are required.

A. This requirement applies to land use permit applications for any action proposed to correct a violation under an enforcement order from the Violations Hearing Examiner or which has been scheduled for a violations hearing before the Violations Hearing Examiner.

B. This requirement shall not apply to any application proposed to correct active land use enforcement actions by the Code Enforcement Division for which a hearing before the Violations Hearing Examiner has not yet been scheduled, provided the applicant is diligently pursuing compliance with the applicable land use regulations.

C. The Director of Planning and Community Development shall have the discretion to terminate any application for which the Director determines that the applicant is using the application process primarily to delay enforcement.

Section 8. ORDINANCES REPEALED. Ordinance No. 1730-90 and 1985-94, as amended, are hereby repealed.

Section 9: Severability. Should any section, subsection, sentence, clause, phrase or word of this Ordinance be held to be invalid or unconstitutional by a court of competent jurisdiction, or otherwise

invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulations, this shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 10: Conflict. In the event there is a conflict between the provisions of this Ordinance and any other City ordinance, the provisions of this Ordinance shall control.

Section 11: Corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection number and any references thereto.

Section 12: General duty.

It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision nor any term used in this Ordinance is intended to impose any duty whatsoever upon the city or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the city related in any manner to the enforcement of this Ordinance by its officers, employees or agents.

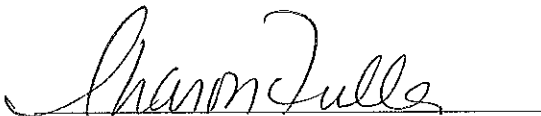
Section 13: Savings.

The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or before the City or in any way modify any obligation, right or liability, civil or criminal, which may exist by virtue of any of the ordinances herein repealed.



RAY STEPHANSON, Mayor

ATTEST:



City Clerk

Passed: 6/18/14

Valid: 6/23/14

Published: 6/27/14

Effective Date: 7/8/14